

07-O-0125

**A SUBSTITUTE ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY ALL OUTSTANDING INVOICES TO KISSBERG CONSTRUCTION, INC., FOR FC-7382-01, ANNUAL CITYWIDE CONTRACT FOR DEMOLITION SERVICES PROVIDED, ON BEHALF OF THE DEPARTMENT OF FIRE AND RESCUE ("DEPARTMENT"), FOR THE DEMOLITION OF THE EXISTING BUILDINGS AT REPLACEMENT FIRE STATION # 13, LOCATED AT 431 FLAT SHOALS AVENUE, S.E., EAST ATLANTA VILLAGE, IN AN AMOUNT NOT TO EXCEED TWENTY THREE THOUSAND TWO HUNDRED TWENTY DOLLARS (\$23,220.00) AND REPLACEMENT FIRE STATION #28, LOCATED AT 1929 HOLLYWOOD ROAD, N.W., BOLTON, IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND EIGHT HUNDRED TWENTY SEVEN DOLLARS AND FIFTY CENTS (\$19,827.50). ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 1C44 (2001 BOND PROJECT FUND) 574001 (FAC. OTHER THAN BUILDINGS) W11C021392AK (FIRE STATION 13-DEPT OF FIRE) (\$23,220.00); 1C28 (GENERAL GOV'T CAPITAL OUTLAY FUND) 771001 (LAND) W11C022892AC (FIRE STATION 28 CONSTRUCTION) (\$19,827.50); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did enter into FC-7382-01, Annual Citywide Contract for Demolition Services; and

WHEREAS, the City of Atlanta's Department of Fire and Rescue ("Department") is building three new fire stations, and all three sites require demolition and disposal of the existing structures; and

WHEREAS, Kissberg Construction, Inc. ("Kissberg") has demolished the existing building at replacement Fire Station # 13 (located at 431 Flat Shoals Avenue, S.E., East Atlanta Village), and at replacement Fire Station # 28 (located at 1929 Hollywood Road, N.W., Bolton); and

WHEREAS, the City owes Kissberg an outstanding invoice for the demolition of the existing building at replacement Fire Station #13, in the amount of twenty three thousand two hundred twenty dollars (\$23,220.00), and an outstanding invoice of nineteen thousand eight hundred twenty seven dollars and fifty cents (\$19,827.50) for the demolition of the existing building at replacement Fire Station # 28.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Chief Financial Officer is authorized to pay all outstanding invoices to Kissberg Construction, Inc., for FC-7382-01, Annual CityWide Contract for Demolition Services provided, on behalf of the Department of Fire and Rescue, for the Demolition of the existing buildings at replacement Fire Station # 13, located at 431 Flat Shoals Avenue, S.E., East Atlanta Village, in an amount not exceed twenty three thousand two hundred twenty dollars (\$23,220.00), and Fire Station # 28, located at 1929 Hollywood Road, NW, Bolton, in an amount not to exceed nineteen thousand eight hundred twenty seven dollars and fifty cents (\$19,827.50).

SECTION 2: That all outstanding invoices for the said demolition of the existing building at replacement Fire Station # 13 shall be charged to and paid from Fund, Account, and Center Number: 1C44 (2001 Bond Project Fund) 574001 (Fac. Other Than Buildings) W11C021392AK (Fire Station 13 - Dept. of Fire).

SECTION 3: That all outstanding invoices for the said demolition of the existing building at replacement Fire Station # 28 shall be charged to and paid from Fund, Account, and Center Number: 1C28 (General Gov' Capital Outlay Fund) 771001 (Land) W11C022892AC (Fire Station 28 Construction).

SECTION 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

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WHEREAS, the City of Atlanta ("City") did enter into FC-7382-01, Annual Citywide Contract for Demolition Services; and

WHEREAS, the City of Atlanta's Department of Fire and Rescue ("Department") is building three new fire stations, and all three sites require demolition and disposal of the existing structures; and

WHEREAS, Kissberg Construction, Inc. ("Kissberg") has demolished the existing building at replacement Fire Station # 13 (located at 431 Flat Shoals Avenue, S.E., East Atlanta Village), and at replacement Fire Station # 28 (located at 1929 Hollywood Road, N.W., Bolton); and

WHEREAS, the City owes Kissberg an outstanding invoice for the demolition of the existing building at replacement Fire Station #13, in the amount of twenty three thousand two hundred twenty dollars (\$23,220.00), and an outstanding invoice of nineteen thousand eight hundred twenty seven dollars and fifty cents (\$19,827.50) for the demolition of the existing building at replacement Fire Station # 28.

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Hollywood Road, NW, Bolton, in an amount not to exceed nineteen thousand eight hundred twenty seven dollars and fifty cents (\$19,827.50).

SECTION 2: That all outstanding invoices for the said demolition of the existing building at replacement Fire Station # 13 shall be charged to and paid from Fund, Account, and Center Number: 1C44 574001 W11C021392AK.

SECTION 3: That all outstanding invoices for the said demolition of the existing building at replacement Fire Station # 28 shall be charged to and paid from Fund, Account, and Center Number: 1C28 771001 W11C022892AC.

SECTION 4: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance and Executive

Caption: AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY ALL OUTSTANDING INVOICES TO KISSBERG CONSTRUCTION, INC., FOR FC-7382-01, ANNUAL CITYWIDE CONTRACT FOR DEMOLITION SERVICES PROVIDED, ON BEHALF OF THE DEPARTMENT OF FIRE AND RESCUE ("DEPARTMENT"), FOR THE DEMOLITION OF THE EXISTING BUILDINGS AT REPLACEMENT FIRE STATION # 13, LOCATED AT 431 FLAT SHOALS AVENUE, S.E., EAST ATLANTA VILLAGE, IN AN AMOUNT NOT TO EXCEED TWENTY THREE THOUSAND TWO HUNDRED TWENTY DOLLARS (\$23,220.00) AND REPLACEMENT FIRE STATION #28, LOCATED AT 1929 HOLLYWOOD ROAD, N.W., BOLTON, IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND EIGHT HUNDRED TWENTY SEVEN DOLLARS AND FIFTY CENTS (\$19,827.50). ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 1C44 574001 W11C021392AK (\$23,220.00); 1C28 771001 W11C022892AC (\$19,827.50); AND FOR OTHER PURPOSES.

Council Meeting Date: 1/30-1/31

Requesting Dept.: Fire and Rescue

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of the legislation is to pay outstanding invoices for Kissberg Construction for the demolition of existing buildings on the sites of replacement fire stations 13 and 18. The original contract amounts were under \$20k and AFR used the city's only citywide contract for demolition, but learned that since AFR was not included on the users of the contract, that per Procurement, legislation is required to pay the invoices.

2. Please provide background information regarding this legislation.

Atlanta Fire Rescue is building 3 fire station that require demolition of existing buildings on the site. This ordinance authorizes payment of outstanding invoices for demolition on two of those sites.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Demolitions
- (b) **Source Selection:** City-wide contract vendor. Under \$20,000.
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. **Fund Account Center:** 1C44 574001 W11C021392AK for \$23,220 for demoliton on Fire Station 13s site; and FAC 1C28 771001 W11C022892AC for \$19827.50 for demoltion on Fire Station 28s site.

5. **Source of Funds: *Example: Local Assistance Grant***

6. **Fiscal Impact:** This legislation will result in a reduciton in the amount of \$23,220.00 to Fund Account Center 1C44 574001 W11C021392AK; and a reduction in the amount of \$19,827.50 to Fund Account Center 1C28 771001 W11C022892AC.

7. **Method of Cost Recovery:**

This Legislative Request Form Was Prepared By: Jim Daws, Fire Lieutenant.

REQUEST FOR QUOTATION DEMOLITION SERVICES

The City of Atlanta Fire Rescue Department is building three fire stations at separate sites. All three sites require demolition and disposal of existing structures. The sites are located as follows:

Fire Station 13 – 431 Flat Shoals Avenue, SE, East Atlanta Village

Fire Station 18 – 2001 Oakview Road, SE, in Kirkwood

Fire Station 28 – 1929 Hollywood Road, NW, Bolton

I. General Requirements

In addition to the Terms, Conditions and Scope of Services contained in the current Citywide Contract for Demolition, the contractor must comply with waste management standards as outlined in the Leadership in Energy and Environmental Design (LEED) program. Specifically, 75% or more of nonhazardous demolition debris by weight must be diverted from landfill by recycling.

The Demolition Contractor may charge over and above the amounts agreed in the Citywide Contract for the extra work and expenses required for LEED compliance. The Project Manager and the Demolition Contractor must agree in writing to the amount of additional charges before a Notice to Proceed is issued. To achieve LEED compliance the Scope of Services contained in the Citywide Contract is expanded as follows:

- A. Provide handling, containers, storage signage, transportation, and other items as required to implement a waste management plan on each site during the entire duration of the Contract.
- B. Train workers, subcontractors, and suppliers on proper waste management procedures, as appropriate for the work occurring at each Project site. Oversee their work to ensure they are meeting requirements.
- C. Track all materials (by weight and category) on the spreadsheet provided, as indicated below. Use one spreadsheet per site.
- D. Submit 3 spreadsheets (one per site), completed as indicated below, along with 3 envelopes (one per site, labeled by site number) containing all waste tickets/receipts.
- E. Comply with any salvaging efforts specified by Owner (N/A for this project).
- F. Cooperate with any site inspectors checking for compliance.

I. Definitions

- A. Hazardous Materials: Any material that is regulated as a hazardous material in accordance with 49 CFR 173, requires a Material Safety Data Sheet (MSDS) in accordance with 29 CFE 1910.1200, or which during end use, treatment, handling, storage, transportation or disposal meets or has components 1-4

which meet or have the potential to meet the definition of Hazardous Waste in accordance with 40 CFR 261. Throughout this specification, hazardous material includes hazardous chemicals. These are not included in any of the weights on the spreadsheets.

II. Submittals

- A. Concurrent with Application for Payment, submit two hard copies and a digital copy by email of the spreadsheet to Owner. Include the following information filled out on the spreadsheet:
 - 1. The job name and number of the fire station at the top of the spreadsheet.
 - 2. Date for each haul.
 - 3. Receipt or ticket number from hauler indicating the place the waste or recycling is delivered to (Hauler Slip # on spreadsheet).
 - 4. Company name of the receiver.
 - 5. Amount of waste (in tons) taken to the landfill.
 - 3. Quantity of waste recycled in tons, by category. (Dumpsters should be provided and labeled by these categories, in Spanish as well as English, if necessary).
 - 6. For any category not listed on spreadsheet, change the Misc. Recycled to the name of that recycled category, if needed.
 - 7. Total quantity of waste in tons (this is calculated by the spreadsheet).
 - 8. Recycling Rate is also calculated automatically by the spreadsheet.
 - 9. In order for the automatic calculations to work, **you cannot add any columns** to the spreadsheet. You may add rows if you have more hauls to add to the sheet and you run out of room.
- B. Concurrent with Application for Payment, submit all Recycling and Processing Facility Records: Indicate receipt and acceptance of recyclable waste by recycling and processing facilities licensed to accept them. Include manifests, weight tickets, receipts, and invoices.
- C. Concurrent with Application for Payment, submit all landfill and Incinerator Disposal Records: Indicate receipt and acceptance of waste by landfills and incinerator facilities licensed to accept them. Include manifests, weight tickets, receipts, and invoices.
- D. For each site, all debris from that site must be accounted for and itemized on its own spreadsheet and matched with a receipt.

III. Procedure

- A. Recycle goals and requirements: Owner's goal is to recycle as much nonhazardous construction waste as possible. It is the Demolition Contractor's responsibility to research and select recycling facilities where debris will be deposited and methods for materials preparation and hauling or to subcontract a service provider who offers comprehensive recycling. Specify name of any subcontractor in quote.
- B. Provide a dumpster for each category of recycling. Haul to recycling facility and weigh each load. Keep all receipts. Fill out spreadsheet provided with all information as described under Submittals (above).

- C. Recycling Incentives: Revenues, savings, rebates, and other incentives received for recycling waste' demolition materials shall accrue to Demolition Contractor as an offset against recycling expenses charged to the City.
- D. Wherever possible, grind green land-clearing waste (grass, shrubs, trees, plant material) and use on-site as mulch.

IV. Training

- A. With crew, before commencing demolition and throughout as needed:
 - 1. Review and discuss your waste management plan.
 - 2. Review requirements for documenting quantities of each type of recycling and waste and its disposition.
 - 3. Review and finalize procedures for materials separation and verify availability of containers and bins needed to avoid delays.
 - 4. Review procedures for waste collection and transportation to recycling and disposal facilities, and collection of all receipts/tickets/invoices.

IV. Compliance

- A. The Demolition Contractor will be required to submit receipts from all landfill, recycling recipients documenting that at least 75% or more of all nonhazardous demolition debris by weight was diverted from landfill. This documentation is to prove the good work you have done to the US Green Building Council.
- B. The Demolition Contractor will be responsible for sorting and hauling demolition debris to achieve landfill diversion goals and costs associated with recycling must be borne by the contractor.

Attachment: Spreadsheet "Waste Recycling Log"



CITY OF ATLANTA

FIRE DEPARTMENT

SHIRLEY FRANKLIN
MAYOR

City Hall East 675 Ponce de Leon Avenue, NE Suite 2001
Atlanta, GA 30308-1807
(404) 853-7000 FAX (404) 853-7092
CHIEFS ID - ATLFDHQ

DENNIS L. RUBIN
FIRE CHIEF

November 9, 2006

Adam Smith
Chief Procurement Officer
City of Atlanta
55 Trinity Avenue, SW
Atlanta, GA 30303

RE: Demolition Services

Dear Chief Smith

Fire Rescue is developing three replacement fire stations that require demolition of existing buildings on the sites. Our construction project manager made the mistake of contracting with a vendor holding the only city-wide contract for demolition services without getting the required legislative pre-approval.

The project manager believed that since he was using the only city-wide contractor and the jobs were quoted under \$20k, that he was authorized to proceed under the new revisions to the Procurement Code. Only after turning in the IPRs did he learn that legislation was required.

Unfortunately, two of the demolitions have been completed, so we're going to have to get legislative authorization to pay the invoices after the fact.

Attached herewith are the RFQs, the requisitions and the invoices, along with draft legislation. We will also forward copies to our legislative counsel for processing. We hope to process this matter as quickly as possible out of consideration for the vendor.

The department will arrange the necessary training for the project manager to insure that this situation does not happen again.

Thanks,

Dennis L. Rubin
Dennis L. Rubin
Fire Chief

Kissberg Construction, Inc.

1100 Second Street, Stone Mountain, GA 30083

Tel: 770.879.8382 Fax: 700.879.2898

Revised Cost Proposal

Kissberg Construction
1960 Silverhill Road
Stone Mountain, GA 30087

Date: 3/23/06
Quotation #:241
Cust: A.F.R.
Terms: C.O.D.
Status.

Bill to: **Mr. Jim Daws**

Atlanta Fire Rescue
675 Ponce de Leon Ave, NE
Suite 2001
Atlanta, GA 30308

| Project | Description | Quantity | Per Unit | Amount |
|-------------|-------------|----------|-------------|--------|
| Location 18 | | | \$16,500.00 | |
| Location 13 | | | \$18,020.00 | |
| Location 28 | | | \$19,850.00 | |

Total: \$54,370.00

Amount Due: \$54,370.00

30 Days:

60 Days:

Balance Due: \$54,370.00

Total: \$54,370.00

Kissberg Construction, Inc.

1434 Kelton Dr., Stone Mountain, GA 30083
Tel: 770.879.8382 Fax: 700.879.2898

Invoice

Kissberg Construction
1960 Silverhill Road
Stone Mountain, GA 30087

Date: 9/19/06
Quotation #:263
Cust: A.F.R.
Terms: C.O.D
Status:

Bill to: Mr. Jim Daws

Atlanta Fire Rescue
675 Ponce de Leon Ave, NE
Suite 2001
Atlanta, GA 30308
404.391.6214

| Project | Description | Quantity | Per Unit | Amount |
|-----------------------------------|------------------------------|----------|----------|--------------|
| Scope of Work: Demolition: | | | | |
| | Exterior Demo of Location 13 | | | \$ 18,020.00 |
| | Slab removal and disposal | | | \$ 4,000.00 |
| | Tire Clean (laborers) | | | \$ 1,200.00 |

Total: \$23,220.00

Amount Due: \$23,220.00

30 Days:

60 Days:

Balance due: \$23,220.00

Total: \$23,220.00



KISSBERG CONSTRUCTION
DEMOLITION-HAULING-GRADING

1434 KELTON DRIVE • STONE MOUNTAIN, GA 30083

(770) 879-8382 • FAX (770) 879-2897

CONSTRUCTION@KISSBERG.COM

Invoice

Kissberg Construction
1960 Silverhill Road
Mountain, GA 30087

Date: 11/17/06
Invoice # 268
Cust: A.F.R.
Terms: C.O.D
Status: Completed

Bill to: Mr. Jim Daws

Atlanta Fire Rescue
675 Ponce de Leon Ave, NE
Suite 2001
Atlanta, GA 30308
404.391.6214

| Project | Description | Quantity | Per Unit | Amount |
|-----------------------------------|---|----------|----------|--------------|
| Scope of Work: Demolition: | | | | |
| | Demolition of Fire Station, Location 28 | | | \$ 19,827.50 |

Total: \$19,827.50

Amount Due: \$19,827.50

30 Days:

60 Days:

Balance due: \$19,827.50

Total: \$19,827.50

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Terry Grandison



Contact

Number: 6946

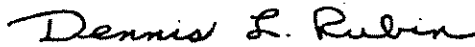
Originating Department: Fire and Rescue

Committee(s) of Purview: Finance and Executive

Council

Deadline: 01/8/07

Committee Meeting Date(s): 01/30-01/31 Full Council Date: 2/5/07



Commissioner Signature :

CAPTION

AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY ALL OUTSTANDING INVOICES TO KISSBERG CONSTRUCTION, INC., FOR FC-7382-01, ANNUAL CITYWIDE CONTRACT FOR DEMOLITION SERVICES PROVIDED, ON BEHALF OF THE DEPARTMENT OF FIRE AND RESCUE ("DEPARTMENT"), FOR THE DEMOLITION OF THE EXISTING BUILDINGS AT REPLACEMENT FIRE STATION # 13, LOCATED AT 431 FLAT SHOALS AVENUE, S.E., EAST ATLANTA VILLAGE, IN AN AMOUNT NOT TO EXCEED TWENTY THREE THOUSAND TWO HUNDRED TWENTY DOLLARS (\$23,220.00) AND REPLACEMENT FIRE STATION #28, LOCATED AT 1929 HOLLYWOOD ROAD, N.W., BOLTON, IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND EIGHT HUNDRED TWENTY SEVEN DOLLARS AND FIFTY CENTS (\$19,827.50). ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS: 1C44 574001 W11C021392AK (\$23,220.00); 1C28 771001 W11C022892AC (\$19,827.50); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

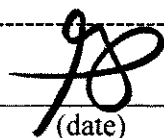
Received by Mayor's Office:

(date)

1.8.07

Reviewed by:

(date)



Submitted to Council:

(date)

1/16/07